

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 339 – HB 735

April 8, 2021

SUMMARY OF BILL: Requires the Department of Correction (DOC) Commissioner and the Department of Children’s Services (DCS) Commissioner to award DOC inmates and children in DCS custody for commission of a delinquent act or unruly conduct public health emergency credits if an emergency arises as result of a communicable disease and results in the modification of correctional facility operations. Outlines eligibility for receiving such credits. Requires an eligible inmate or child who was in custody of DOC or DCS during the state of emergency declared by the Governor in Executive Order 14 of 2020 concerning COVID-19 to receive public health emergency credits.

ESTIMATED FISCAL IMPACT:

Decrease State Expenditures – \$8,842,900 Incarceration*
\$1,465,900/FY21-22

Other Fiscal Impact – Realized savings from decreased incarceration expenditures will be a one-time savings realized in FY21-22.

The proposed legislation will result in a decrease in state expenditures during each public health emergency; however, the timing, number of eligible inmates and children, and the average number of credits issued are unknown and cannot be quantified with reasonable certainty.

Assumptions:

- The proposed legislation will result in credits being awarded to inmates and children in state custody on July 1, 2021.
- Based on analysis from DOC, 937 inmates will receive credits of 91 days and 153 inmates will receive credits of 161 days.
- The proposed legislation will result in an estimated 1,090 inmates receiving an average of 100.83 days sentence credit in FY21-22.
- According to the DOC, the average operating cost per offender per day for calendar year 2021 is \$80.46.
- Pursuant to Tenn. Code Ann. § 9-4-210, the annualized decrease in state incarceration expenditures is estimated to be \$8,842,932 ($\$80.46 \times 100.83 \times 1,090$).
- The decrease in state incarceration costs are estimated to be realized in FY21-22.

- The proposed legislation will result in an estimated 58 children in DCS custody receiving a credit of 60 days in FY21-22.
- The average operating cost per child per day in facilities eligible for credits under the proposed legislation for calendar year 2021 is \$421.23.
- The proposed legislation will result in a decrease in state expenditures in FY21-22 estimated to be \$1,465,880 ($\$421.23 \times 60 \times 58$).
- The proposed legislation requires for credits to be issued to eligible inmates and children during each public health emergency. The timing of any future decrease in state expenditures resulting from a public health emergency and number of eligible inmates and children receiving credits are unknown and cannot be quantified with reasonable certainty.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/mj